

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

HORACE ELLIS, JR.,

:

Plaintiff,

:

Case No. 3:08-cv-420

- vs -

:

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

COMMISSIONER OF
SOCIAL SECURITY,

:

:

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #8), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 4, 2009, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that this case is DISMISSED without prejudice for failure to prosecute.

May 6, 2009

***S/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge